

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS CARNEY	:	CIVIL ACTION
	:	
v.	:	NO. 15-06049
	:	
MCCULLOUGH RUBBISH	:	
REMOVAL, INC.	:	

ORDER

AND NOW, this 28th day of March 2016, following today's pretrial conference where both parties reported a settlement in principle of all claims brought by the only person with cognizable overtime wage claims and he is receiving as much as he could obtain following victory at trial and there are no other potential employees in the same position or who expressed interest in this claim under the Fair Labor Standards Act claim, it is **ORDERED**:

1. This action is **DISMISSED** under agreement of counsel and Local Rule of Civil Procedure 41.1(b)¹ and this dismissal is without prejudice as to claims of any other employee unknown at this time who never expressed an interest and is not identified as entitled to damages following counsels' due diligence;
2. We **VACATE** our March 22, 2016 Order (ECF Doc. No. 14); and,
3. The Clerk of Court shall mark this matter **CLOSED**.



KEARNEY, J.

¹ Local Rule 41.1(b) provides:

[a]ny such order of dismissal may be vacated, modified, or stricken from the record, for cause shown, upon the application of any party served within ninety (90) days of the entry of such order of dismissal, provided the application of the ninety-day time limitation is consistent with Federal Rule of Civil Procedure 60(c).